

Please note: These transcripts are not individually reviewed and approved for accuracy.

BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:        )  
                                      )  
                                      )  
REGULAR MONTHLY BUSINESS        )  
MEETING                                )  
\_\_\_\_\_)

DATE AND TIME:   THURSDAY, SEPTEMBER 10, 1998  
                          9:30 A.M.

PLACE:            BOARD HEARING ROOM  
                      8800 CAL CENTER DRIVE  
                      SACRAMENTO, CALIFORNIA 95826

REPORTER: SUZANNA MICKELSON  
CERTIFICATE NO. 7892

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1 A P P E A R A N C E S

2

3 MR. DANIEL G. PENNINGTON, CHAIRMAN  
MR. STEVEN R. JONES, MEMBER

4 MR. DAN EATON, MEMBER  
MR. RALPH E. CHANDLER, MEMBER

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5    PROCEDURES AND ANNOUNCEMENTS . . . . .

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10    SOLID WASTE FACILITY PERMIT FOR THE HUMBOLDT

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1 SACRAMENTO, CALIFORNIA:

2 THURSDAY, SEPTEMBER 10, 1998, 9:30 A.M.

3 --OOO--

4 CALL TO ORDER

5 CHAIRMAN PENNINGTON: GOOD MORNING AND

6 WELCOME TO THE SEPTEMBER 10TH MEETING OF THE

7 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD. WE

8 HAVEN'T GOT OUR SECRETARY YET. SHE'S GETTING

9 WATER, SO. WE GOT ANXIOUS HERE BECAUSE I WAS

10 RUNNING LATE. I APOLOGIZE TO YOU ALL WHO WE KEPT

11 WAITING FOR A FEW MINUTES. WE HAD A COUPLE THINGS

12 TO LOOK AT BEFORE WE GOT STARTED.

13 SORRY ABOUT THAT. I GOT AHEAD OF YOU

14 THERE. OKAY. WOULD THE SECRETARY CALL THE ROLL,

15 PLEASE.

16 THE SECRETARY: BOARD MEMBER EATON?

17 MEMBER EATON: HERE.

18 THE SECRETARY: BOARD MEMBER FRAZEE,  
19 ABSENT. BOARD MEMBER JONES?

20 MEMBER JONES: HERE.

21 THE SECRETARY: BOARD MEMBER CHESBRO,  
22 ABSENT. CHAIRMAN PENNINGTON?

23 CHAIRMAN PENNINGTON: HERE. THAT  
24 INDICATES THAT WE DON'T HAVE A QUORUM. MR. FRAZEE  
25 UNFORTUNATELY IS IN TRANSIT. HE GOT STRANDED

5

1 BECAUSE OF AN AIRLINE STRIKE IN CANADA AND WAS  
2 UNABLE TO MAKE IT.

3 AND MR. CHESBRO IS ON LEAVE OF ABSENCE  
4 AND WE HAVE A VACANCY ON THE BOARD, SO THAT LEAVES  
5 US WITH ONLY THREE MEMBERS. AND SO THEREFORE, WE  
6 DO NOT NEED TO HAVE ANY EX PARTE DISCUSSIONS THIS  
7 MORNING. BUT WHAT WE ARE GOING TO DO THIS MORNING  
8 IS ALL OF THE ITEMS THAT ARE ON THE AGENDA FOR  
9 TODAY WILL BE MOVED TO A BOARD MEETING ON  
10 SEPTEMBER 17TH, WHICH IS A WEEK FROM TODAY.

11 NOW, I REALIZE THAT THERE ARE SEVERAL  
12 FOLKS HERE WHO ARE INTERESTED IN THE HUMBOLDT  
13 COUNTY PERMIT, AND I'M GOING TO APPOINT THE THREE  
14 OF US AS A WORKING GROUP TO HEAR YOUR ISSUES AND BE  
15 ABLE TO BRING THAT FORWARD TO THE BOARD MEETING ON  
16 THE 17TH.

17           THERE MAY BE OTHERS HERE WHO WANT TO  
18   SPEAK TO SOME OF THE OTHER ITEMS ON THE AGENDA. IF  
19   YOU'VE COME FROM OUT OF TOWN AND YOU DON'T THINK  
20   THAT YOU CAN MAKE IT BACK ON THE 17TH, PLEASE FILL  
21   OUT A SLIP IN THE BACK AND BRING IT UP TO MS. KELLY  
22   WHO WILL MAKE SURE THAT WE GET THAT AND WE WILL  
23   CERTAINLY HEAR FROM YOU AND STUFF NOW.

24           I UNDERSTAND THERE'S QUITE A NUMBER  
25   FROM HUMBOLDT. COULD MAYBE I SEE A RAISE OF HANDS

6

1   OR SOMETHING IF ALL OF THE PEOPLE WHO ARE FROM  
2   HUMBOLDT WHO WISH TO ADDRESS US THIS MORNING?  
3   THREE. OKAY.

4           AND DO I HAVE SLIPS FROM YOU ALL WITH  
5   YOUR NAME AND ADDRESS ON THEM? IF I DON'T, COULD I  
6   HAVE THAT FROM YOU SO THAT WE KNOW WHO YOU ARE?

7           AGAIN, MY FIRST SPEAKER HERE ON ITEMS  
8   ONE AND TWO HAVE ALREADY BEEN CARRIED OVER, AND I  
9   APOLOGIZE TO YOU FOR GETTING CARRIED OVER AGAIN.  
10   YOU CERTAINLY CAN TALK TO US TODAY IF YOU WISH, BUT  
11   WE WILL BE TAKING THIS UP ON THE 17TH.

12

13           AGENDA ITEM NUMBER SIX

14           CHAIRMAN PENNINGTON: OKAY. LET ME

15 FIRST START AND ASK IF DON AUGENSTEIN IS HERE? DO  
16 YOU WANT TO TALK TO US TODAY, OR DO YOU WANT TO  
17 WAIT TILL THE 17TH?

18 MR. AUGENSTEIN: YES, PLEASE.

19 CHAIRMAN PENNINGTON: AND I MUST MAKE  
20 IT CLEAR THAT WE WILL BE NOT -- WE WILL NOT BE  
21 MAKING ANY DECISIONS OR TAKING ANY VOTES --

22 MR. AUGENSTEIN: SURE.

23 CHAIRMAN PENNINGTON: -- THIS MORNING  
24 ON ANYTHING. WE'RE ONLY HERE TO HEAR WHAT YOU HAVE  
25 TO SAY.

7

1 MR. AUGENSTEIN: I UNDERSTAND THAT, AND  
2 I VERY MUCH APPRECIATE THE OPPORTUNITY TO SPEAK TO  
3 YOU. I THINK THERE PROBABLY ISN'T ANY PERFECT TIME  
4 TO SPEAK. IT'S PROBABLY AS GOOD A TIME NOW AS ANY  
5 TO SPEAK TO THIS WHILE YOU'RE IN THE PROCESS OF OR  
6 HAVE CONSIDERED CONTRACT CONCEPTS, AND WE WANT TO  
7 KEEP THIS IDEA BEFORE THE BOARD THAT I'LL TALK  
8 ABOUT.

9 I'M DON AUGENSTEIN. I'M A PROFESSIONAL  
10 ENGINEER. I HAVE WORKED LARGELY AS A RESEARCH  
11 SCIENTIST FOR OVER 20 YEARS ON SOLID WASTE  
12 ENVIRONMENTAL, FEDERAL EPA, THE SOLID WASTE  
13 ASSOCIATION OF NORTH AMERICA, THE CALIFORNIA ENERGY

14 COMMISSION AND INDIRECTLY THROUGH OTHERS, ALSO FOR  
15 THE WASTE BOARD. AND I ALSO SERVE ON A NATIONAL  
16 LIAISON COMMISSION.

17       TODAY I'M HERE ON BEHALF OF YOLO COUNTY  
18 TO TALK ABOUT WHAT WE CONSIDER A 21ST CENTURY  
19 LANDFILL PROJECT, AND YOU'RE LOOKING FOR 21ST  
20 CENTURY CONCEPTS HERE. WE CALL THIS PROJECT  
21 CONTROLLED LANDFILLING. AND I'LL START OUT BY  
22 SUMMARIZING THE PROBLEM OF THE SITUATION WE'RE  
23 TRYING TO ADDRESS, AND IT STARTS WITH THE FACT THAT  
24 EVEN WITH OVER 50 PERCENT WASTE DIVERSION,  
25 CALIFORNIA WILL STILL BE LANDFILLING ABOUT 20

8

1 MILLION TONS OF WASTE A YEAR. WITH NEW RULES THAT  
2 ARE COMING INTO EFFECT, WE ARE GOING TO BE  
3 LANDFILLING THIS WASTE DRY, AND WE'RE GOING TO BE  
4 KEEPING IT DRYER THAN EVER.

5       AND BY THE WAY, UNDER THE CIRCUMSTANCES  
6 WHAT WE CALL LEACHATE RECYCLE IS NOT A WORKABLE  
7 OPTION. INSTEAD, IT'S BECOMING QUITE CLEAR THAT  
8 MUCH DECOMPOSABLE WASTE THAT IS LANDFILLED DRY AND  
9 STAYS DRY SIMPLY DOES NOT DECOMPOSE AS LONG AS IT'S  
10 DRY. AND THAT CREATES A LONG-TERM PROBLEM BECAUSE  
11 POSTCLOSURE CARE NEEDS TO CONTINUE AS LONG AS THE



12 WASTE AND THE LANDFILL HAS POTENTIAL TO DECOMPOSE.  
13 I THINK THERE'S A VERY LARGE AMOUNT OF  
14 CONCERN IN THE SOLID WASTE PROFESSION AND INDUSTRY  
15 OVER THE POSTCLOSURE CARE NEEDS THAT MAY RESULT.  
16 AND IN THIS SITUATION WE HAVE TO KEEP THE LANDFILL  
17 CONTAINMENT INTACT FOR AS LONG AS THERE'S  
18 UNDECOMPOSED WASTE, WHICH IS HARDER THAN IT SOUNDS.  
19 IN ESSENCE, THE NEED FOR THIS MAY CONTINUE  
20 INDEFINITELY IF THE WASTE CONTINUES INDEFINITELY TO  
21 REMAIN UNDECOMPOSED; OR WE'VE GOT AN ALTERNATIVE  
22 WHICH IS THE CONTAINMENT CAN BREAK DOWN IN WASTE  
23 THAT ARE HARD OR OFTEN IMPOSSIBLE TO DETECT QUICKLY  
24 AND MOISTURE CAN CREATE POLLUTED LEACH AND GAS AND  
25 I THINK THE ABILITY LONG TERM TO DEAL WITH THIS IN

9

1 50 OR 100 YEARS IS GOING TO BE A LOT LESS THAN IF  
2 THE OPERATION HAPPENS SOON AFTER CLOSURE WHEN  
3 THEY'RE ANTICIPATED.  
4 SO WE'RE OPERATING A PROJECT TO ADDRESS  
5 THIS PROBLEM OF WASTE DECOMPOSITION OR RETARDED  
6 WASTE DECOMPOSITION IN DRY LANDFILLS. AND WITH OUR  
7 PROJECT WE ARE INSTEAD TREATING WASTE AND LANDFILLS  
8 TO GREATLY SPEED DECOMPOSITION AND GET TO THE POINT  
9 OF MUCH EARLIER WASTE STABILIZATION THAN WE WOULD  
10 HAVE SEEN WITH PAST PRACTICE.

11           AND WHAT THIS IS IS BASICALLY ANAEROBIC  
12   COMPOSTING IN A LANDFILL. THAT'S ONE WAY TO LOOK  
13   AT IT. AND IT'S OFTEN BEEN CALLED THAT IN THE  
14   PROFESSIONAL COMPOSTING LITERATURE. ANOTHER TERM  
15   FOR THIS APPROACH IS THE BIOREACTOR LANDFILL. SO  
16   REALLY THE LANDFILL IS DOING TWO THINGS. IT IS NOT  
17   JUST A REPOSITORY FOR WASTE, BUT IT HAPPENS ALSO TO  
18   BE THE LOWEST POSSIBLE BIOREACTOR THAT YOU CAN GET.

19           I'M A BIOCHEMICAL ENGINEER, AND I'VE  
20   LOOKED AT THESE SITUATIONS AND THE COST PER UNIT  
21   TREATMENT AND THE LANDFILL DOES WIN AS A REACTOR  
22   FOR DOING THIS. AND I THINK MANY SOLID WASTE  
23   PROFESSIONALS IN THE UNITED STATES AND AROUND THE  
24   WORLD BELIEVE THIS APPROACH COULD HAVE A NUMBER OF  
25   BENEFITS FOR SOLID WASTE LANDFILLING MANAGEMENT,

10

1   AND IT COULD CERTAINLY HAVE BENEFITS FOR  
2   CALIFORNIA.

3           AND WHAT I WOULD LIKE TO DO TODAY, I'LL  
4   GIVE THOSE BOARD MEMBERS THAT ARE HERE A PACKAGE OF  
5   REFERENCE MATERIALS, AND THE PACKAGE HAS A ONE-PAGE  
6   SUMMARY WHICH IS ON WHAT WE'RE DOING, A PAPER  
7   GIVING DETAILS ON THE PROJECT AND THEN A PAPER  
8   BEING DEVELOPED BY THE SOLID WASTE ASSOCIATION OF

9 NORTH AMERICA. AND I THINK YOU'LL WANT TO LOOK AT  
10 THIS. THE ONE-PAGE SUMMARY IS VERY USEFUL TO GET A  
11 QUICK OVERVIEW OF WHAT WE'RE DOING.

12 THE BENEFITS THAT WE CAN SEE FROM THIS  
13 ALREADY ARE THAT WE'RE REDUCING WASTE MASS IN  
14 VOLUME IN LANDFILLS WHICH WOULD TRANSLATE INTO  
15 DECREASED NEED FOR LANDFILLS. I THINK THAT'S  
16 IMPORTANT. A LOT OF INVESTIGATORS HAVE SHOWN RAPID  
17 LEACHATE POLLUTANT REDUCTION, AND A MAJOR CONCERN  
18 NOW IS THE GREENHOUSE GAS EMISSIONS FROM WASTE  
19 EVEN WITH CONTROLS. THIS IS BECAUSE WASTE  
20 QUANTITIES ARE SO ENORMOUS AND METHANE IS SO POTENT  
21 AS A CLIMATE ACTIVE GAS. THIS IS A MAJOR ISSUE IN  
22 FEDERAL POLICY AT LEAST AND INTERNATIONALLY. WITH  
23 WHAT WE'RE DOING WE CAN REDUCE THESE EMISSIONS TO A  
24 MINIMUM.

25 THERE ARE MORE BENEFITS. I DON'T NEED

11

1 TO GO INTO THEM SINCE YOU CAN FIND THESE IN THE  
2 MATERIAL I'LL GIVE YOU. I'LL JUST TAKE A FEW  
3 MINUTES HERE THIS MORNING.

4 THIS IS STRONGLY ENDORSED IN FEDERAL  
5 POLICY AND BY THE FEDERAL EPA. THERE ARE SEVERAL  
6 STATES WHERE THIS KIND OF WORK IS GOING ON. THESE  
7 INCLUDE FLORIDA, DELEWARE, IOWA AND NEW YORK. AND

8 IT HAS EITHER STATE ENDORSEMENT OR SOMETIMES  
9 SIGNIFICANT STATE SUPPORT. AND ALL OF THIS WORK IS  
10 BEING CONDUCTED FOR THE BENEFITS THAT ARE FORESEEN.  
11 THE YOLO PROJECT IS HERE. IT'S NEXT  
12 DOOR. IT'S WELL MANAGED IN ITS UNIQUE AND  
13 IMPORTANT RESPECTS. AND IT'S GETTING WIDE  
14 RECOGNITION INTERNATIONALLY, IN FACT, BY THE  
15 EUROPEANS. AND IF YOU WANT TO TALK OVER DETAILS OF  
16 THE PROJECT WITH ME AT ANY TIME, ANYONE HERE, I  
17 HAVE MY CARD WITH THE MATERIAL OR YOU CAN TALK  
18 WITH RAMIN YAZDANI WHO IS THE MANAGER OF SOLID  
19 WASTE PLANNING FOR YOLO COUNTY AND HE HAS A NEW  
20 TELEPHONE NUMBER, FOR THE RECORD, WHICH IS  
21 530-666-8848. COUPLE MORE POINTS. THIS IS A  
22 LONG-TERM PROJECT. IT GOES BEYOND THE TERMS IN  
23 WHICH CONTRACTS NORMALLY EXTEND. FOR THIS PROJECT  
24 I THINK THE FINISH IS AS IMPORTANT AS THE START,  
25 AND WE'D LIKE TO FIND OUT THINGS LIKE HOW MUCH

12

1 FASTER WE CAN ACCOMPLISH WASTE AND LEACHATE  
2 STABILIZATION COMPARED TO OTHER PRACTICES AND HOW  
3 MUCH WASTE VOLUME REDUCTION WE GET AND HOW MUCH  
4 WE CAN REDUCE THE USE OF LANDFILLS.  
5 THE EARLY SUPPORT HAS COME FROM TWO

6 CALIFORNIA COUNTIES. YOLO COUNTY HAS PUT AN  
7 ENORMOUS AMOUNT OF EFFORT INTO IT. SACRAMENTO  
8 COUNTY HAS ALSO CONTRIBUTED. THE CALIFORNIA ENERGY  
9 COMMISSION KICKED IT OFF. WE THANK THE WASTE BOARD  
10 AND THE WASTE TIRE PROGRAM FOR ITS SUPPORT AND  
11 BEING A PART OF THIS. AND RECENT MONITORING  
12 SUPPORT HAS COME FROM THE UNITED STATES DEPARTMENT  
13 OF ENERGY THROUGH EPRI, THE ELECTRIC POWER RESEARCH  
14 INSTITUTE.

15 BUT MOST OF THIS SUPPORT IS WINDING  
16 DOWN AS CONTRACT TERMS EXPIRE. SO AT THIS POINT  
17 WE'RE ASKING THE WASTE BOARD TO BE A PARTNER WITH  
18 YOLO COUNTY TO HELP CONTINUE THE DEMONSTRATION  
19 AND HELP TAKE THIS PROCESS TO FULL-SCALE OPERATION  
20 AND REALIZE THE BENEFITS THAT WE CAN GET WITH  
21 CALIFORNIA WASTE MANAGEMENT.

22 AND WE FEEL THAT THIS PROJECT WITH ITS  
23 BENEFITS SHOULD MERIT CONSIDERATION FOR WASTE  
24 BOARD DISCRETIONARY FUNDING, AND WE SIMPLY WANT TO  
25 KEEP IT BEFORE YOU AND WE WOULD VERY MUCH

1 APPRECIATE THE OPPORTUNITY FOR FURTHER DISCUSSIONS  
2 WITH YOU AND I WOULD ALSO LIKE TO THANK THE BOARD  
3 STAFF AND MEMBERS WITH WHOM WE HAVE ALREADY  
4 DISCUSSED THIS. SO I'LL LEAVE IT THERE AND THANK YOU

5 VERY MUCH AND I'LL ANSWER ANY QUESTIONS.

6 CHAIRMAN PENNINGTON: THANK YOU.

7 MR. AUGENSTEIN: I MINE AS WELL HAND

8 YOU THE PACKAGE --

9 CHAIRMAN PENNINGTON: BE FINE. THANK

10 YOU.

11 MR. AUGENSTEIN: -- FOR THOSE MEMBERS

12 THAT ARE HERE.

13 CHAIRMAN PENNINGTON: OKAY, FINE.

14 THANK YOU. ANY QUESTIONS?

15 MEMBER JONES: NO QUESTIONS. JUST

16 QUICK COMMENT. IT'S DEFINITELY PART OF THE 21ST

17 CENTURY, AND WE PROBABLY HAVE TO LOOK AT IT, YOU

18 KNOW, OUGHT TO LOOK AT IT AS PART OF MAYBE A

19 POTENTIAL FOR CONTRACT CONCEPTS, I DON'T KNOW.

20 MR. AUGENSTEIN: THANK YOU VERY MUCH.

21 CHAIRMAN PENNINGTON: VERY GOOD. THANK

22 YOU.

23 //

24 //

25 //

1 AGENDA ITEM NUMBER ELEVEN

2 CHAIRMAN PENNINGTON: NOW WE'RE GOING

3 TO TAKE ITEM TWO, HUMBOLDT, MICHAEL MCKEE, MAKI,  
4 MACHI. WHO WANTS TO GO FIRST?

5 MS. STAMMER: I WILL. PATRICIA  
6 STAMMER.

7 CHAIRMAN PENNINGTON: OKAY. PATRICIA  
8 STAMMER.

9 MS. STAMMER: GOOD MORNING. MY NAME IS  
10 PATRICIA STAMMER. I APPRECIATE YOUR ALLOWING US TO  
11 ADDRESS YOU. I'M NOT A PUBLIC SPEAKER. I AM A  
12 CITIZEN WHO IS VERY DISAPPOINTED IN MY CITY  
13 GOVERNMENT. A CITY GOVERNMENT, I MIGHT ADD, THAT I  
14 WORKED VERY STRENUOUSLY TO ELECT AND HAVE ALWAYS  
15 BEEN FOND OF. BUT I FEEL THAT THEY ARE MAKING A  
16 DECISION THAT IS A POTENTIAL ENVIRONMENTAL DISASTER  
17 FOR ARCATA.

18 THIS IS A PROPOSED TEMPORARY WASTE  
19 TRANSFER SYSTEM. AND I HAVE SOME PROBLEMS WITH  
20 THIS AND THERE'S A LOT OF REASONS WHY BUT I'LL JUST  
21 HIT THE HIGHLIGHTS HERE.

22 FIRST OF ALL, I WOULD LIKE TO SAY THAT  
23 THERE ARE THREE OF US FROM ARCATA. WE ARE  
24 REPRESENTING VARIOUS GROUPS IN OUR COMMUNITY. WE  
25 ARE NOT ASSOCIATED WITH CITY GARBAGE. I WENT TO

1 THEM TO FIND OUT THEIR SIDE OF THIS STORY. I GOT

2 THEIR INFORMATION AND ALSO FROM ARCATA CITY STAFF  
3 AND SO I DON'T WANT TO GIVE YOU THE IMPRESSION IN  
4 ANY WAY, SHAPE OR FORM THAT WE ARE HERE TO SUPPORT  
5 THEM OR TO NOT SUPPORT THEM. WE WENT TO THEM  
6 STRICTLY FOR INFORMATION BECAUSE WE FELT THAT WE  
7 NEEDED TO FAIRLY ADDRESS OURSELVES WITH THE ISSUES.

8 I DON'T KNOW WHAT THEIR PROJECT IS. I  
9 DON'T KNOW THE HISTORY OF WHY THEY'VE HAD SUCH A  
10 HARD TIME IN HUMBOLDT COUNTY, AND FRANKLY, THAT IS  
11 NOT MY CONCERN.

12 MY CONCERN IS THAT THE JOINT POWERS  
13 ASSOCIATION HAS KNOWN FOR THE LIFE OF THEIR  
14 CONTRACT WITH CITY GARBAGE THAT THEY WANTED OUT OF  
15 IT. APPARENTLY THIS HAS BEEN AN ISSUE FOR SOME  
16 TIME. THEY HAVE SPENT THE LAST TWO YEARS TRYING TO  
17 FIGURE OUT A SOLUTION FOR THE TRASH IN HUMBOLDT  
18 COUNTY. I PERSONALLY FIND IT LUDICROUS THAT  
19 125,000 PEOPLE IN AN AREA LARGER THAN NEW JERSEY  
20 CANNOT DEAL WITH THEIR OWN GARBAGE AND HAVE TO  
21 SHIP IT TWO STATES AWAY, BUT THAT'S ANOTHER ISSUE.

22 THE JOINT POWERS AUTHORITY CLAIMS THAT  
23 HUMBOLDT COUNTY IS TOO WET TO DEAL WITH GARBAGE.  
24 AND I IMAGINE BEING TOO WET TO DEAL WITH GARBAGE IS  
25 GOING TO COME AS A BIG SURPRISE ON EVERYONE ELSE IN



16

1 THE PACIFIC NORTHWEST AND ALONG THE SOUTHEASTERN  
2 U.S. WHERE THEY GET AS MUCH RAIN AS WE DO. SOMEHOW  
3 ALL OF A SUDDEN WE ARE NOT ABLE TO DEAL WITH OUR  
4 OWN GARBAGE. SO ON THAT ALONE I FIND THIS PROJECT  
5 OBJECTIONABLE. I THINK THERE'S A MORE CREATIVE  
6 SOLUTION.

7 MY SECOND POINT IS I DON'T FEEL THAT  
8 THE LACK OF PLANNING ON THE PART OF THE JOINT  
9 POWERS AUTHORITY IS MY EMERGENCY. I FEEL LIKE THEY  
10 HAVE HAD ADEQUATE TIME TO DO THIS AND THEY HAVE  
11 JUST FLATLY NOT DONE THEIR HOMEWORK AND THEY'VE  
12 PUSHED THIS PROPOSAL THROUGH IN A VERY SLAPDASH  
13 FASHION.

14 I LIVE IN A COUNTY WHERE IF YOU GO TO  
15 PEE IN THE WOODS, YOU HAVE TO HAVE AN EIR. AND  
16 THEY'RE PROPOSING TO DUMP 550 TONS OF GARBAGE A DAY  
17 IN A COASTAL ZONE SIX BLOCKS FROM THE CENTER OF  
18 TOWN RIGHT NEXT TO A WORLD-CLASS SEWAGE TREATMENT  
19 CENTER THAT IS THE MODEL FOR PEOPLE ALL OVER THE  
20 WORLD.

21 THEY'RE ALSO PROPOSING THAT ALL THE  
22 RUNOFF BE DRAINED INTO JANES CREEK, WHICH IS A VERY  
23 SENSITIVE ENVIRONMENTAL AREA AND NOW UNDER  
24 PROPOSAL TO BE RECLAIMED AS A WETLANDS 25 FEET FROM

25 THIS PROJECT AND IN AN AREA -- I LIVE IN THIS AREA. I'M

17

1 NOT UNDER ANY ILLUSION THAT THIS INDUSTRIAL AREA IS  
2 GOING TO BE GENTRIFIED AND BE CUTSIED UP. IT IS  
3 NOT HAPPENING. BUT WE STRONGLY FEEL THAT WE DO NOT  
4 HAVE TO REPEAT THE MISTAKES OF THE PEOPLE WHO DID  
5 THIS BEFORE US.

6 THIS LAND WAS INDUSTRIALLY USED, HEAVY  
7 INDUSTRIAL USE. AND ARCATA, THE GROUNDWATER  
8 POLLUTION, UNDERGROUND GAS TANKS, ALL THE CHEMICALS  
9 FOR LUMBER PROCESSING, I HAVEN'T DRUNK CITY WATER  
10 IN MY TOWN IN ALMOST 30 YEARS BECAUSE OF IT. I  
11 LIVE IN AN OLD HOUSE. IT HAS LEAD PIPES, AND SO I  
12 JUST DON'T DO IT.

13 SO WE'RE NOT, YOU KNOW, WE'RE NOT  
14 PUTTING THIS SITE ON SOME PRISTINE PIECE OF LAND.  
15 IT HAS BEEN ABUSED. I DON'T THINK THAT'S ANY  
16 REASON TO KEEP ON ABUSING IT.

17 AND SO WHEN THIS PROPOSAL STARTED OUT,  
18 NOBODY KNEW ABOUT IT. I FAXED YOU A PETITION  
19 SIGNED BY 200-AND-SOME-ODD PEOPLE IN ARCATA. I  
20 COLLECTED ALMOST ALL OF THOSE SIGNATURES MYSELF BY  
21 STANDING IN THE PLAZA ON TWO SATURDAYS AND TELLING  
22 PEOPLE ABOUT THIS PROJECT, HANDING OUT A FLIER

23 SAYING "DO YOU KNOW THAT THIS IS HAPPENING?  
24 THEY'RE GOING TO DUMP 500 TONS OF TRASH IN A TOWN  
25 NEAR YOU. CAN THIS HAPPEN IN ECOGROOVYVILLE?"

18

1 WELL, PEOPLE JUST WENT "WHAT?" NOBODY  
2 KNEW ABOUT IT. THEY HAD TWO PLANNING COMMISSION  
3 MEETINGS, THEY HAD TWO CITY COUNCIL MEETINGS BACK  
4 TO BACK, ONE ON ONE NIGHT, ONE ON THE NEXT, AND  
5 THEY VOTED ON THIS.

6 I GET AROUND A LOT IN TOWN. SO DO MY  
7 CHILDREN, SO DO MY FRIENDS. I CALLED EVERYONE I  
8 KNEW, AND PEOPLE WERE ASTOUNDED THAT THIS WAS  
9 HAPPENING AND WHY DIDN'T I KNOW ABOUT THIS.

10 WHEN THEY DID KNOW ABOUT IT AND IT WAS  
11 DENIED IN THE PLANNING COMMISSION, EVERYBODY  
12 THOUGHT IT WAS A DONE DEAL BECAUSE PEOPLE SEEMED TO  
13 THINK OUR PLANNING COMMISSION HAS SOME LEGISLATIVE  
14 AUTHORITY, WHICH THEY DO NOT.

15 SO THE PLANNING COMMISSION HAS TWO  
16 PEOPLE WHO ARE VERY KNOWLEDGEABLE, ALDORAN LAIRD,  
17 WHO ADVISES THE CALIFORNIA STATE ATTORNEY GENERAL  
18 ON PUBLIC TRUST DOCTRINE AND LAND USE ISSUES. HE  
19 OBJECTED TO THIS PROJECT ON LAND USE ISSUES BECAUSE  
20 HE IS A PLANNING COMMISSIONER AND FOUND IT TO BE  
21 TOTALLY IN VIOLATION OF OUR CITY PLAN AND OUR LOCAL

22 ZONING. IT'S IN A FLOOD PLANE, IT'S IN AN AREA OF  
23 POTENTIAL LIQUIFACTION. HE HAS A LIST OF REASONS,  
24 WHICH I SENT YOU.

25 AND DWAIN GOFORTH, OUR OTHER PLANNING

19

1 COMMISSIONER, WHO OBJECTED TO IT ON 23 GROUNDS OF  
2 CEQA VIOLATIONS.

3 THE OTHER TWO PLANNING COMMISSIONERS,  
4 ONE SAID "WELL, IT'S AN IN INDUSTRIAL ZONE, IT  
5 SHOULD GO THERE." AND THE OTHER ONE GAVE NO REASON  
6 FOR WHY IT SHOULD GO THERE. AND SO IT WAS A  
7 TWO-TWO DEADLOCK; SO THEREFORE, IT WAS DENIED,  
8 AUTOMATICALLY APPEALED TO THE CITY COUNCIL.

9 THE STAFF REPORT THAT WAS PREPARED BY  
10 OUR CITY COUNCIL, I -- OR STAFF -- STAFF, I  
11 CONSIDER COMPLETELY BIASED. OUR MAYOR IS ON THE  
12 JPA. OUR CITY MANAGER IS THE CHIEF NEGOTIATOR FOR  
13 THE JPA. OUR OTHER COUNCIL MEMBER IS ALSO THE CITY  
14 LIAISON WITH AEDC, THE APPLICANT OF RECORD.

15 THEY DID NOT CHOOSE TO DISQUALIFY  
16 THEMSELVES. THEY GAVE A CURSORY VIEW TO THE LAND  
17 USE ISSUES, AND I REALIZE THOSE ARE NOT YOUR  
18 CONCERN, BUT THEY DEFINITELY ARE MY CONCERN SINCE  
19 THEY'RE TRYING TO TELL EVERYONE IN TOWN THAT THIS

20 IS A TEMPORARY TRANSFER STATION, AND THERE'S NO  
21 SUCH THING AS TEMPORARY ZONING. THE CONDITIONAL  
22 USE PERMIT RUNS WITH THE LIFE OF THE LAND, AND  
23 THEY'VE MADE IT SO THAT IF THEY GRANT THIS USE  
24 PERMIT, ANYBODY WHO OWNS THAT LAND CAN APPLY FOR  
25 THAT CONDITIONAL USE PERMIT AND ANY DENIAL WOULD

20

1 BE TOTALLY ARBITRARY BECAUSE THEY'VE TOTALLY  
2 IGNORED THE ZONING. AND SPOT ZONING IS SPECIFICALLY  
3 RESTRICTED IN OUR GENERAL PLAN. BUT THEY'RE NOT  
4 EVEN GOING FOR A ZONING CHANGE. THEY'RE JUST  
5 TRYING TO SLIDE THIS BY US TEMPORARILY. AND --  
6 WELL, THAT'S THAT.

7 SO THEY PUT TOGETHER THIS PROPOSAL AND  
8 CALLED IT "TEMPORARY" EVEN THOUGH IT'S GOING TO  
9 COST THEM ALMOST \$700,000 TO BUILD THIS FACILITY.  
10 I QUESTION THE ECONOMICS OF THIS; AND NOT BEING A  
11 ROCKET SCIENTIST, I COULDN'T FIGURE OUT HOW THEY  
12 COULD UNDERCUT THE CURRENT TRASH, SPEND \$700,000 ON  
13 A TEMPORARY FACILITY AND BUILD A PERMANENT FACILITY  
14 AND SUPPOSEDLY SAVE THE TAXPAYERS MONEY. I NEVER  
15 GOT AN ANSWER AS TO WHO WAS PAYING FOR IT, HOW IT  
16 WAS BEING FUNDED, SO I ASSUME IT'S ME. AND I'M NOT  
17 WILLING TO FUND A PROPOSAL THAT IS AS POORLY  
18 PREPARED, AS POORLY THOUGHT OUT AND AS POORLY

19 DOCUMENTED AS THIS.

20 OUR COMMUNITY DEVELOPMENT OFFICER IS  
21 NOT AN EXPERT IN LAND USE NOR CEQA REGULATIONS NOR  
22 ENVIRONMENTAL PLANNING. I DON'T KNOW EXACTLY WHO  
23 HE IS. HE IS -- HE WORKS FOR THE CITY MANAGER WHO  
24 IS THE CHIEF NEGOTIATOR FOR JPA. SO FROM THAT  
25 RESPECT, I CONSIDER HIS REPORT TOTALLY BIASED.

21

1 NONE OF THESE PEOPLE OFFERED TO STEP ASIDE AND EVEN  
2 DISCUSS THEIR BIAS. SO THAT BOTHERED ME.

3 AS THIS APPLICATION WAS PRESENTED --  
4 IT'S ALWAYS BEEN MY UNDERSTANDING THEN WHEN AN  
5 APPLICATION IS PRESENTED BEFORE THE CITY COUNCIL,  
6 IT IS TO BE CONSIDERED AS PRESENTED. AND IF THEY  
7 FIND FAULT WITH IT OR THEY CANNOT COME UP WITH THE  
8 FINDINGS TO APPROVE IT, THEN THEY SEND IT BACK AND  
9 THE APPLICANT REWORKS IT AND REAPPLIES. THIS IS  
10 NOT WHAT HAPPENED IN THIS CASE.

11 IN THIS CASE CONNIE STEWART, THE ARCATA  
12 ECONOMIC DEVELOPMENT LIAISON, NEGOTIATED WITH THE  
13 APPLICANT AT A PUBLIC MEETING ON MITIGATION ISSUES.  
14 AND A PERFECT EXAMPLE WAS SEVERAL PEOPLE  
15 COMPLAINED ABOUT THE NOISE OF THE BACKUP BELLS ON  
16 THE TRUCK .IT'S BEEN AN ISSUE ON THAT SITE IN THE PAST.

17 COMPLAINTS HAVE GONE TO OSHA.

18         THEIR MITIGATION FOR NOISE WAS THAT THE  
19 APPLICANT SAID THEY WOULD CONTACT OSHA TO SEE IF  
20 THEY COULD GET THE DECIBEL LEVELS ON THE BELLS ON  
21 THE BACKUP TRUCKS LOWERED. WELL, SOMEHOW I DON'T  
22 THINK OSHA IS GOING TO NEGOTIATE OVER THAT ISSUE.  
23 BUT CALL ME CRAZY, BUT I DON'T THINK THEY'RE BIG  
24 NEGOTIATORS ON THOSE ISSUES.

25         IT WAS ALSO SUGGESTED THAT THEY USE A

22

1 BLINKING LIGHT. WELL, I DON'T THINK OSHA'S GOING  
2 TO GO FOR THAT EITHER. SO THAT WAS THEIR  
3 MITIGATION FOR NOISE.

4         THEIR MITIGATION FOR THE RUNOFF INTO  
5 JANES CREEK WAS "WELL, WE'LL MONITOR IT. WE HAVE  
6 CATCH BASINS, WE'LL MONITOR IT." WELL, WHAT ARE  
7 THEY -- YOU KNOW, HOW? WHEN? WHERE? WHY? FOR  
8 WHAT? THAT WAS NEVER DISCUSSED, AND AS FAR AS I  
9 KNOW, IT IS NOT IN THE APPLICATION. I DON'T  
10 CONSIDER THAT ADEQUATE MITIGATION.

11         THEY MITIGATED THE TRAFFIC BY  
12 ELIMINATING -- THIS WAS ALL BEING NEGOTIATED AS WE  
13 WERE SITTING THERE LISTENING TO THIS LUDICROUS  
14 MEETING. THEY NEGOTIATED THE TRAFFIC ISSUES BY  
15 ELIMINATING SELF-HAUL. WELL, IF THEY -- IF CITY

16 GARBAGE IS NOT IN BUSINESS, THERE IS NO PLACE IN  
17 HUMBOLDT COUNTY FOR SELF-HAUL. THERE'S EEL RIVER  
18 DISPOSAL STATION. THEY ARE ONLY ALLOWED BY THEIR  
19 PERMIT TO TAKE REGIONAL TRASH, AND THAT'S 64 MILES  
20 ROUND-TRIP FROM MY HOUSE. SO I CONSIDER THAT A  
21 VERY LARGE PROBLEM.

22 THERE'S NO RECYCLING, NO RECLAIMING AT  
23 THIS SITE. THERE'S NO PROVISIONS TO PULL THINGS  
24 FROM THE WASTE STREAM. SO WE'RE JUST DUMPING. WE  
25 JUST -- WHATEVER IT IS, BRING IT THERE, DUMP IT AND

23

1 WE'LL -- OUT OF SIGHT, OUT OF MIND. I CONSIDER  
2 THAT SOCIALLY, SPIRITUALLY, ECONOMICALLY AND  
3 ENVIRONMENTALLY ABSURD.

4 THAT'S PRETTY MUCH IT EXCEPT FOR THE  
5 MARSH. RECENTLY ARCATA HAS RECEIVED A GRANT, THE  
6 ENVIRONMENTAL SERVICES DEPARTMENT, TO RECLAIM THIS  
7 MARSHLAND. THE DISTANCE FROM THIS SITE TO THE  
8 MARSHLAND IS ONE HIGHWAY WIDTH. IT'S 50 FEET. AND  
9 I DON'T THINK THAT'S ENOUGH.

10 AND THE JANES CREEK, THERE IS A PHOTO,  
11 I DON'T KNOW IF YOU'VE SEEN THIS AREA, I CAN  
12 CERTAINLY GIVE IT TO YOU, THAT SHOWS THE PROXIMITY  
13 OF THE MARSH AND JANES CREEK AND THE RECLAIMED



14 WETLANDS TO THE PROPOSED SITE.

15 SO I WOULD URGE TWO THINGS: THAT YOU  
16 DENY THIS PERMIT UNTIL THEY PUT TOGETHER AN  
17 APPLICATION OR AT LEAST AN ALTERNATIVE SITE  
18 ASSESSMENT, WHICH THEY HAVE NOT DONE. AND BEING  
19 WITHIN A COASTAL ZONE, I ALWAYS THOUGHT THAT WAS  
20 REQUIRED, AN ALTERNATIVE SITE ASSESSMENT. SINCE  
21 THIS IS NOT A COASTALLY DEPENDENT OPERATION, IT'S  
22 USING UP THE LIMITED RESOURCES OF OUR VERY LIMITED  
23 COASTAL LAND.

24 I WON'T GO INTO THE REASONS WHY I THINK  
25 THEY CHOSE THIS SITE BECAUSE THAT'S PERSONAL,

24

1 SMALL-TOWN, HIDEOUS COMMUNITY POLITICS. BUT JUST  
2 FROM A LEGAL POINT OF VIEW, I THINK THEY HAVE  
3 VIOLATED THE PUBLIC TRUST, AND I DON'T THINK THEY  
4 SHOULD BE ALLOWED TO GET AWAY WITH THIS SLAPDASH  
5 PROPOSAL.

6 AND I SAY ONCE AGAIN, THEIR LACK OF  
7 PLANNING IS NOT MY EMERGENCY, AND THEY SHOULD HAVE  
8 TO COMPLY WITH ALL THE LAWS THAT ARE SET UP FOR  
9 THEIR CITIZENRY JUST LIKE ANYBODY ELSE. AND I  
10 APPRECIATE YOUR TIME, AND I HOPE YOU WILL KEEP THIS  
11 PUBLIC HEARING OPEN SO THAT WHEN THE FULL  
12 COMMISSION'S HERE, ANYONE ELSE WHO'S HERE WILL HAVE

13 THE OPPORTUNITY TO ADDRESS THE OTHER BOARD

14 MEMBERS. THANK YOU VERY MUCH.

15 CHAIRMAN PENNINGTON: ANY QUESTIONS?

16 LET ME ASSURE YOU THAT WE WILL HOLD HEARINGS ON THE

17 17TH AS WELL.

18 MS. STAMMER: GOOD. THANK YOU.

19 CHAIRMAN PENNINGTON: THANK YOU. THANK

20 YOU FOR COMING ALL THAT WAY. IS MACHI READY NOW?

21 MR. MACHI: YES.

22 CHAIRMAN PENNINGTON: OKAY.

23 MR. MACHI: MY NAME IS MICHAEL MACHI.

24 I LIVE IN ARCATA. I PERSONALLY HAVE DONE

25 APPROXIMATELY 200 HOURS OF RESEARCH ON THIS PROJECT

25

1 IN THE PAST SEVERAL MONTHS SINCE I FIRST HEARD OF

2 IT EARLY IN MAY WITH THE PLANNING COMMISSION

3 NOTICE. AND I HAVE HAD MANY OTHER FRIENDS AND

4 ACQUAINTANCES AND TOTAL STRANGERS GIVE ME

5 INFORMATION, DO RESEARCH FOR ME PROBABLY FOR

6 ANOTHER 200 HOURS' WORTH, AND I STILL DO NOT

7 UNDERSTAND THIS PROJECT, HOW IT CAME ABOUT, WHAT

8 ANY GOOD REASON THERE WAS FOR DOING IT IN ARCATA AT

9 THIS SITE.

10 AND AS FAR AS THE CEQA REGULATIONS GO,

11 I AM UNDERSTANDING THAT YOU HAVE TO CONSIDER THE  
12 ENTIRE PROJECT AS A WHOLE FOR WHAT IS GOING TO  
13 AFFECT THE COMMUNITY. AND WHAT WE HAVE SEEN HERE  
14 IS JUST A TEMPORARY TRANSFER STATION PERMIT THAT  
15 YOU'RE ISSUING FOR THIS ONE SITE; HOWEVER, THE  
16 ENTIRE PROJECT IS GOING TO BE A PERMANENT LOCATION  
17 IN EUREKA POSSIBLY; HOWEVER, THAT SITE IS UNDER  
18 DISPUTE AT THIS TIME TOO.

19 AND THEREFORE, ALL THE INFORMATION THAT  
20 WAS PREPARED FOR THIS SITE BY THE STAFF AND BY THE  
21 APPLICANTS DO NOT REFER TO THE ENTIRE PROJECT. AND  
22 I THINK THAT IS REASON ENOUGH ALONE TO RECONSIDER  
23 THE DECISION. THAT THE INFORMATION SIMPLY DOES NOT  
24 APPLY TO THE ENTIRE PROJECT.

25 AS I SAID, I REALLY AND TRULY DO NOT

26

1 UNDERSTAND THE PROJECT AS A WHOLE, AND I'M JUST  
2 TRYING TO THINK OF SOME KIND OF ANALOGY TO DESCRIBE  
3 WHAT HAS BEEN GOING ON WITH IT. AND I AM A  
4 PRIZEWINNING GARDENER. I WON BEST OF SHOW, BEST OF  
5 CATEGORY FOR MY CABBAGE AT THE HUMBOLDT COUNTY  
6 FAIR THIS YEAR.

7 AND PEOPLE COME AND LOOK AND SEE MY  
8 GARDEN AND SAY "WELL, HOW CAN THAT BE, BECAUSE YOUR  
9 CABBAGES ARE" -- SINCE I'M AN ORGANIC GARDENER,

10 THEY'RE FULL OF SLUGS AND BUGS AND THEY'VE GOT  
11 POWDERY MILDEW ON THEM. I SAY "WELL, THAT'S EASY  
12 BECAUSE YOU PEEL OFF ALL THE LAYERS UNTIL YOU GET  
13 DOWN TO SOMETHING THAT LOOKS REAL NICE."

14 AND WHAT SEEMS TO HAVE HAPPENED HERE  
15 WITH THIS PROJECT AND FROM WHAT THE PEOPLE HAVE  
16 BEEN GIVEN, PRESENTED FOR SALE IS A BIG CABBAGE  
17 STRAIGHT OUT OF THE GARDEN. AND THE PUBLIC HAD A  
18 FAIR AMOUNT OF INPUT WITH THE FIRST TWO MEETINGS OF  
19 THE PLANNING COMMISSION.

20 AND THEN AS FAR AS THE CITY COUNCIL  
21 MEETING SPECIAL MEETING, WE WERE LIMITED TO ONLY  
22 THREE MINUTES, SO WE HAD VERY LITTLE TIME TO  
23 PRESENT THERE. BUT STILL WE MADE OUR OPINIONS  
24 KNOWN, AND THERE WAS LITERALLY LIKE FIVE OR SIX  
25 DOZEN PEOPLE THAT GOT UP THERE AND SPOKE AGAINST

27

1 IT. SO OUR ISSUES WERE MADE KNOWN TO EVERYBODY  
2 THERE. AND SO THEY PEELED OFF A FEW OF THE UGLY  
3 LEAVES ON THE OUTSIDE OF THAT CABBAGE FOR THE  
4 PROJECT, AND IT LOOKED A LITTLE BIT BETTER. AND  
5 THAT WAS THE LAST OF OUR PUBLIC INPUT.

6 AND FROM THEN ON, THE COUNCIL GOT UP  
7 THERE AND PROCEEDED TO PEEL IT DOWN SOME MORE AND

8 SLICE IT AND DICE IT AND THEN THEY SENT IT OFF TO  
9 YOU WITH NO FURTHER COMMENT FROM THE PUBLIC.  
10 I UNDERSTAND THAT YOU HAD FIVE OR SIX  
11 DIFFERENT CONDITIONS THAT YOU WANTED ADDRESSED,  
12 AND THOSE WERE SENT BACK AND SUPPOSEDLY ADDRESSED.  
13 I HAVEN'T SEEN ANY OF THAT INFORMATION HOW EXACTLY  
14 THEY WERE ADDRESSED. AND YOU KNOW, THAT WAS LIKE  
15 ADDING A BIT OF SEASONING TO WHATEVER THEY WERE  
16 THROWING IN THE POT WITH THE CABBAGE HERE.

17 AND WHAT WE'VE ENDED UP WITH IS  
18 SOURCROUT. AND WE STARTED OFF WITH THE CABBAGE,  
19 AND NOW WE HAVE SOURCROUT. AND THAT'S NOT WHAT WE  
20 WERE SOLD.

21 WE WERE SOLD THIS PROJECT FROM THE VERY  
22 START, THIS IS WHAT IT IS, HERE IS THE ORIGINAL  
23 PLANNING COMMISSION THING, AND HERE IS OUR INPUT  
24 FOR THOSE TWO MEETINGS, AND THAT WAS IT. WE HAD  
25 OUR LITTLE BIT OF INPUT, AND EVERYTHING ELSE THAT

28

1 THE COUNCIL HAS DONE AND THAT YOU HAVE DONE AND  
2 ASKED THEM TO DO HAS NOT HAD ANY PUBLIC REVIEW.

3 AND AS FAR AS I KNOW, NONE OF YOU HAVE  
4 MADE A TRIP TO VISIT THE SITE. AND IT'S VERY  
5 INTERESTING TO SEE WHAT ALL IS GOING ON THERE, AS  
6 PATTY HAD MENTIONED, THAT THE MARSH GOES RIGHT UP

7 TO THE VERY CORNER OF IT.

8 ALSO, THEY'VE ALREADY STARTED WORKING  
9 THERE AND DIGGING OUT SOILS FOR THE FOUNDATION OF  
10 THE BUILDINGS, AND THEY WERE TAKEN UP TO THE DUMP  
11 AND REJECTED BECAUSE THEY APPEARED TO BE  
12 CONTAMINATED. THEY'RE NOT ACCEPTABLE AT THE  
13 COUNTY DUMP AT THE LANDFILL BECAUSE THEY ONLY  
14 ACCEPT NONCONTAMINATED SOIL.

15 AND AS THE WALTER SWEET ENGINEER REPORT  
16 FOR THE SOILS STATED THAT THERE IS SIX-INCH  
17 GROUNDWATER LEVEL THERE. AND AFTER THEY DUG OUT  
18 THE OLD PIT THAT THEY DUG OUT IS FILLING UP FULL OF  
19 WATER.

20 AND YOU KNOW, IT'S NOT BEEN TESTED, AS  
21 FAR AS I KNOW, BY ANY AGENCIES TO SEE IF THERE IS  
22 ANY KIND OF POLLUTION THERE, AND IT'S BEEN AN  
23 INDUSTRIAL SITE SINCE THE TURN OF THE CENTURY. AND  
24 I HAVE TALKED TO MANY PEOPLE, AS I SAID, AND MANY  
25 OLD-TIMERS, IN FACT, SOMEONE WHO WAS 91 AND WHO

29

1 WORKED THERE IN THE 20S, AND THEY HAD A BARREL  
2 FACTORY THERE AND HE SAID THEY DUMPED WHATEVER  
3 TYPE OF RESINS AND GLUE AROUND ON THE PROPERTY. AND  
4 THIS HAS NOT EVEN BEEN CHECKED OUT.

5           AND SO BASICALLY MY POINT IS THAT THE  
6 PROJECT THAT WE WERE SOLD HAS ABSOLUTELY NO -- WE  
7 WEREN'T SOLD IT, EITHER. EXCUSE ME, WERE NOT SOLD.  
8 IT WAS JUST PRESENTED TO US. HAS NO RESEMBLANCE  
9 AFTER THE COUNCIL GOT DONE SLICING AND DICING IT  
10 AND YOU ADDING YOUR LITTLE SEASONINGS TO THE POT  
11 HERE. AND I DON'T KNOW IF ARCATA CAN OR WANTS TO  
12 STOMACH SAURKRAUT. BECAUSE SAURKRAUT HAS  
13 DIFFERENT EFFECTS ON PEOPLE, AND WE NEED TO FIND  
14 THOSE THINGS OUT FIRST. THANK YOU.

15           CHAIRMAN PENNINGTON: THANK YOU. ANY  
16 QUESTIONS? OKAY. THANK YOU VERY MUCH. THANK YOU  
17 FOR COMING DOWN.

18           NEXT WE HAVE DANA QUIGMAN.

19           MS. QUILLMAN: QUILLMAN.

20           CHAIRMAN PENNINGTON: QUILLMAN.

21           MS. QUILLMAN: MY NAME IS DANA  
22 QUILLMAN. AND I DON'T HAVE A LOT TO ADD TO THAT.  
23 I THINK PATTY AND MICHAEL WERE PRETTY  
24 COMPREHENSIVE IN EXPLAINING THE SITUATION.

25           ALL I WOULD LIKE TO ADD IS THAT AS A

1 CITIZEN THAT LIVES IN ONE OF THE NEIGHBORHOODS THAT  
2 WILL BE GREATLY AFFECTED BY THIS PROJECT, THOSE OF  
3 US THAT LIVE IN THE SOUTH SIDE OF ARCATA WHICH

4 SAMOA BOULEVARD GOES RIGHT THROUGH, I PERSONALLY  
5 LIVE THREE HOUSES FROM THAT BOULEVARD. LEARNED TO  
6 LIVE WITH THE LOGGING TRUCKS THAT GO BY THERE ALL  
7 THE TIME AND THE DIESEL FUMES AND THE CROSSING OF  
8 SAMOA WHICH IS A HEAVILY TRAFFICKED BOULEVARD  
9 ALREADY.

10 I THINK THEY'RE SAYING THERE'S GOING TO  
11 BE ABOUT 150 TRUCKS COMING TO THAT PROJECT A DAY.  
12 THAT WOULD MEAN 300 PASSES THREE HOUSES AWAY FROM  
13 MY HOUSE. AND NOT ONLY MY HOUSE, THERE'S -- SAMOA  
14 BOULEVARD IS A CORRIDOR THAT RUNS THROUGH THE  
15 CENTER OF THE SOUTHERN PART OF ARCATA. THERE ARE  
16 MANY RESIDENTIAL NEIGHBORHOODS THAT LINE UP  
17 AGAINST THAT CORRIDOR. SO IT WILL BE AFFECTED BY  
18 NOISE POLLUTION AND AIR POLLUTION. THAT'S NOT TO  
19 MENTION THE ODORS THAT WILL BE COMING FROM THE  
20 AREA. IT'S JUST TOO CLOSE TO THE CENTER OF A  
21 SMALL CITY. IF YOU COME TO OUR CITY AND YOU VISIT  
22 IT AND YOU COME TO THE ARCATA PLAZA, WHICH IS WHERE  
23 WE HAVE ALL OF OUR FESTIVALS, IT'S WHERE THE VERY  
24 CENTER OF THE TOWN IS, IT'S AS THE CROW FLIES MAYBE  
25 FIVE AND A HALF, SIX BLOCKS AWAY FROM THE VERY

1 CENTER OF OUR COMMUNITY. SO THIS IS GOING TO BE



2 AFFECTING THE QUALITY OF LIFE OF ALL OF OUR  
3 CITIZENS TO SOME DEGREE OR ANOTHER BUT ESPECIALLY  
4 THOSE OF US THAT LIVE IN SOUTHERN ARCATA.

5 AND THE THING I FEAR MOST IS THAT IF  
6 THIS IS ALLOWED TO GO THROUGH IS THAT THEY'RE GOING  
7 TO HAVE A DIFFICULT TIME FINDING A PERMANENT SITE.  
8 IT'S ALREADY BEING SHOWN THAT THEY'RE HAVING A LOT  
9 OF OBSTACLES TOWARDS FINDING A PERMANENT SITE NOW.

10 AND I THINK THAT WITHIN TWO YEARS IF  
11 THEY DON'T FIND A PERMANENT SITE, IT'S GOING TO BE  
12 EVEN HARDER AT THAT POINT TO TURN DOWN PERMITS FOR  
13 AN ALREADY ESTABLISHED SITE THAT IS UP AND RUNNING.

14 SO THAT'S WHY I THINK IT'S REALLY  
15 BETTER FOR THEM TO GO BACK TO THE DRAWING BOARD  
16 AND FIND SOMETHING ELSE NOW THAT WILL NOT BE  
17 PUTTING A COMMUNITY AT RISK LIKE THAT. SO THANK YOU  
18 VERY MUCH.

19 CHAIRMAN PENNINGTON: THANK YOU. ANY  
20 QUESTIONS? OKAY. THANK YOU VERY MUCH. AGAIN,  
21 THANK YOU FOR COMING ALL THIS DISTANCE.

22

23 AGENDA ITEM NUMBER SEVEN

24 CHAIRMAN PENNINGTON: NOW WE MOVE TO  
25 ITEM NUMBER SEVEN, WHICH IS THE USED OIL GRANTS,

1 AND THERE'S A SUSAN BLUESTONE THAT WISHES TO  
2 ADDRESS US ON THAT.

3 MS. BLUESTONE: MY NAME IS SUSAN  
4 BLUESTONE. I'M THE EXECUTIVE DIRECTOR OF OAKLAND  
5 RECYCLING ASSOCIATION WHICH IS A NONPROFIT GROUP IN  
6 OAKLAND DEDICATED TO EDUCATING ABOUT WASTE  
7 REDUCTION AND RECYCLING. WE HAVE BEEN PLEASED TO  
8 HAVE BEEN A TWO-TIME PAST RECIPIENT OF THE MOTOR  
9 OIL RECYCLING PROGRAM, AND WE JUST RECEIVED A  
10 LETTER LAST FRIDAY INDICATING THAT IT WAS  
11 RECOMMENDED THAT WE NOT BE FUNDED FOR THIS THIRD  
12 CYCLE.

13 I'M HERE AND I'VE BROUGHT WITH ME SOME  
14 HANDOUTS WHICH COVER THE ISSUES THAT WE FEEL  
15 WEREN'T VERY WELL REVIEWED OR VERY WELL  
16 UNDERSTOOD, AND I DON'T WANT TO BE REDUNDANT ON THE  
17 POINTS INDICATED THERE.

18 I THINK THE MOST IMPORTANT THING IS TO  
19 EXPLAIN THAT, NUMBER ONE, THIS IS NOT A STAND-ALONE  
20 PROJECT. THIS IS SOMETHING THAT WE HAVE DONE IN  
21 COORDINATION WITH THE CITY OF OAKLAND. AND SO WE  
22 ARE THE OUTREACH COMPONENT OF THE CITY OF OAKLAND'S  
23 MOTOR OIL RECYCLING PROGRAM. THAT SEEMS TO NOT  
24 HAVE BEEN WELL UNDERSTOOD BY THOSE REVIEWING THE

25 PROPOSAL.

33

1           THERE ARE A NUMBER OF CONCERNS  
2 INCLUDING, YOU KNOW, ISSUES WHERE WE DON'T FEEL THE  
3 COMMUNITY WHERE WE ARE WAS WELL UNDERSTOOD, THE  
4 ISSUE OF, YOU KNOW, WHY ARE WE PARTICULARLY  
5 REACHING OUT TO MINORITIES.

6           THE WASTE BOARD'S MATERIAL ITSELF DOES  
7 INDICATE THAT THOSE WHO DON'T SPEAK ENGLISH AS A  
8 PRIMARY LANGUAGE ARE TARGETED AS ONE OF THE KEY  
9 OFFENDERS OF THOSE IMPROPERLY, ILLEGALLY, UNSAFELY  
10 DISPOSING OF MOTOR OIL. TWENTY-SEVEN PERCENT OF  
11 THE PEOPLE IN OAKLAND'S PRIMARY LANGUAGE IS ANOTHER  
12 LANGUAGE, AND THAT'S WHY WE HAVE EMPHASIZED THE  
13 COMPONENT OF OUR PROGRAM BOTH IN STAFF AND INTERNS  
14 WHO SPEAK ENGLISH AND SPANISH AND CANTONESE, AND  
15 OUR LITERATURE IS IN VIETNAMESE AS WELL AS THOSE  
16 OTHER LANGUAGES.

17           SO WE WANTED THE OPPORTUNITY TO ASK YOU  
18 TO REVIEW OUR REBUTTALS, IF YOU WILL, TO THE STAFF  
19 REPORT AND SEE IF THERE COULD BE SOME  
20 RECONSIDERATION OF OUR PROPOSAL.

21           YOU WILL SEE, OF COURSE, ALSO A LETTER  
22 FROM THE CITY'S RECYCLING COORDINATOR REQUESTING  
23 THE SAME. AND IF YOU HAVE ANY QUESTIONS, I KNOW

24 YOU CAN'T VOTE TODAY, BUT I'D BE HAPPY TO ANSWER  
25 THEM. I, MYSELF, WILL NOT BE ABLE TO BE HERE ONE

34

1 WEEK FROM TODAY. OTHERS CAN BE HERE IN MY PLACE,  
2 BUT--

3 CHAIRMAN PENNINGTON: APPRECIATE THAT.  
4 ANY QUESTIONS? MR. JONES.

5 MEMBER JONES: I HAVE A QUESTION. YOU  
6 SAID YOU GOT TWO PRIOR GRANTS?

7 MS. BLUESTONE: YES, WE DID.

8 MEMBER JONES: WHAT WERE THEY? HOW  
9 MUCH WERE THEY WORTH?

10 MS. BLUESTONE: THE FIRST ONE WAS  
11 75,000. THE SECOND ONE WAS 100,000.

12 WHAT WE WERE DOING PREVIOUSLY AND TOOK  
13 MOST OF OUR STAFF TIME WAS WE WERE BOTH RECEIVING  
14 THE JUGS, THE PLASTIC RESIN JUGS, AND DEVELOPING  
15 THE BROCHURE MATERIALS AND BRINGING IN INTERNS AND,  
16 IN FACT, PEOPLE WORKING OFF THEIR PARKING TICKETS  
17 AND WHATEVER KIND OF LABOR WE COULD GET AS  
18 NONPROFIT, PUTTING TOGETHER WHAT WE CALL KITS OF  
19 TWO JUGS, THE BROCHURE, HOW-TO'S IN THE FOUR  
20 LANGUAGES, AND AT TIMES WHEN THERE'S FILTER  
21 PROGRAMS AND SO FORTH AND ARRANGING THE

22 DISTRIBUTION OF THAT. WE ARRANGED TO GET THE  
23 COURIERS OUT TO THE HOMES AND SO FORTH.  
24 THE CITY OF OAKLAND AND OUR GROUP MET  
25 AND IN LOOKING AT THIS NEXT CYCLE DECIDED IT MADE A

35

1 LOT MORE SENSE FOR THE CITY TO MAKE THAT  
2 DISTRIBUTION OF KITS HAPPEN AND TO BE IN CHARGE OF  
3 THAT ASSEMBLY AND SO FORTH AND TO SUBCONTRACT WITH  
4 US IF THEY FELT THEY COULDN'T DO ALL THAT. AND WE  
5 FELT OUR STRENGTH WAS IN THE OUTREACH, AND IT MADE  
6 MORE SENSE FOR US TO COME TO THE BOARD SPECIFICALLY  
7 FOR THE OUTREACH NOW. THAT'S WHAT THE THIRD-CYCLE  
8 REQUEST IS FOR EXCLUSIVELY.

9 CHAIRMAN PENNINGTON: OKAY. THANK YOU  
10 VERY MUCH FOR COMING, AND I'M SORRY THAT WE CAN'T  
11 DO ANY BUSINESS TODAY.

12 MS. BLUESTONE: OKAY. THANK YOU.

13 CHAIRMAN PENNINGTON: THANK YOU. THAT  
14 SEEMS TO BE ALL THE SPEAKERS WE HAVE -- WE DID HAVE  
15 AN INDIVIDUAL THAT CALLED THAT WANTED TO SPEAK ON  
16 ITEM 12. THIS MAY BE THE GENTLEMAN. DID YOU --  
17 ARE YOU THE ONE WHO CALLED US?

18 MR. PROE: YES, SIR.

19 CHAIRMAN PENNINGTON: OKAY, FINE.

20 THE SECRETARY: IS IT PROE?

21 MR. PROE: PROE, P-R-O-E.

22

23 AGENDA ITEM NUMBER TWELVE

24 CHAIRMAN PENNINGTON: OKAY, MR. PROE,

25 LET ME EXPLAIN, THOUGH, THAT BECAUSE WE LACK A

36

1 QUORUM TODAY, WE HAVE MOVED ALL THE ITEMS ON THE

2 AGENDA TO SEPTEMBER 17TH, A WEEK FROM TODAY, AND

3 WE'RE HAPPY TO HEAR FROM YOU, BUT WE WILL NOT BE

4 TAKING ANY ACTION ON ANY ITEM OR TAKING ANY VOTES

5 THIS MORNING.

6 MR. PROE: I UNDERSTAND.

7 CHAIRMAN PENNINGTON: YOU'RE WELCOME TO

8 COME -- YOU'RE WELCOME TO TALK NOW, AND YOU'RE

9 WELCOME TO COME BACK ON THE 17TH.

10 MR. PROE: THANK YOU.

11 CHAIRMAN PENNINGTON: MR. PROE.

12 MR. PROE: I APPRECIATE YOUR GIVING ME

13 THE OPPORTUNITY TO HEAR ME. I CAN ONLY ASSUME THAT

14 WE'RE ON ITEM 12, AS I JUST WALKED IN THE DOOR; IS

15 THAT CORRECT?

16 CHAIRMAN PENNINGTON: RIGHT.

17 MR. PROE: I READ THE BOARD PACKET.

18 AND I'M A LAY PERSON. I THOUGHT I WAS RATHER

19 KNOWLEDGEABLE UNTIL I READ THROUGH ONE OF YOUR  
20 BOARD PACKETS, WHICH IS THE FIRST TIME THAT I HAD  
21 AN OPPORTUNITY TO READ THROUGH ONE OF YOUR BOARD  
22 PACKETS. MY FIRST REQUEST IS THAT THEY MIGHT BE  
23 SLANTED MORE SO THAT THERE MIGHT BE A VERY BRIEF  
24 SYNOPSIS SO THAT THE PUBLIC GETS TO THE MEAT OF THE  
25 MATTER EVEN THOUGH THE BACKGROUND INFORMATION IS

37

1 VERY INFORMATIVE.  
2       REGARDS TO ITEM 12, AS I READ THROUGH  
3 IT, IT SEEMS AS IF THE BOARD, AND I WOULD REQUEST  
4 BOARD STAFF OR ANYONE TO ASSIST ME ON BECAUSE, AS I  
5 SAY, I DIDN'T TOTALLY UNDERSTAND WHICH WAY THE  
6 BOARD IS CONSIDERING ON GOING OR BOTH. IT SEEMED  
7 AS IF SOMEONE WANTS TO DO SOMETHING IN REGARDS TO  
8 ONE OF THE PERMITS, THAT EITHER YOU'RE  
9 CONTEMPLATING HAVING AN LEA DO A MINOR, WHAT IS  
10 CONSIDERED BY SOME LEAS, A MINOR CHANGE AND NOT  
11 HAVING TO COME BACK TO INTEGRATED WASTE  
12 MANAGEMENT BOARD OR JUST SUPERFICIALLY  
13 MINISTERIALLY. I CAN ONLY RELATE TO THE LEA  
14 SITUATION, WHICH I'VE HAD IN EL DORADO COUNTY IS  
15 WHERE I LIVE, AND I'M PART OF A CITIZEN'S GROUP CALLED  
16 EL DORADO COUNTY TAXPAYERS FOR QUALITY GROWTH AND  
17 I'M THE SECRETARY OF THAT GROUP.

18 THE PROBLEMS THAT WE HAVE IS TO FIND  
19 AND HAVE A TIME PERIOD IN WHICH TO RESPOND TO SOME  
20 OF THESE STIPULATIONS, AGREEMENTS, ARRANGEMENTS,  
21 RFIS, WHATEVER THEY SEEM TO BE CALLED, AND I'M KIND  
22 OF NEW TO THIS SO YOU'LL HAVE TO HOPEFULLY BEAR  
23 WITH ME, THAT WE DO NOT KNOW WHAT IS BEING DONE AS  
24 THE PUBLIC. AND IN YOUR BOARD PACKAGE IT SAYS THAT  
25 NUMEROUS OF THESE ITEMS CAN BE APPROVED BY AN LEA,

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1 AND IT APPEARS WITH NO CEQA.

2 THE DOCUMENTS IN YOUR BOARD PACKET FOR  
3 BOTH 12 AND 13, WHICH I AGAIN READ FULLY, STATE  
4 THAT NEGATIVE DECLARATIONS CAN BE USED OR EIRS, AND  
5 YET THERE'S NO MENTION OF CUMULATIVE EFFECTS OF ALL  
6 OF THESE.

7 IN EL DORADO COUNTY AT THE ONE UNIT  
8 THAT I'M VERY WELL AWARE OF, THE UNION MINE  
9 LANDFILL, WHERE IN THE PAST TWO OR THREE OR FOUR  
10 YEARS DEPENDING ON WHICH WAY YOU WANT TO LOOK AT  
11 IT AS FAR AS AN OVERALL LOOK IN CUMULATIVE ASPECTS,  
12 NUMEROUS THINGS HAVE BEEN APPROVED BY THE LEA  
13 WHICH JUST HAPPENS TO BE PLACER COUNTY.

14 PLACER COUNTY, BEFORE THEY SIGN THEIR  
15 APPROVAL TO BE THE LEA WITH EL DORADO COUNTY,



16 DEMANDED AND RECEIVED, OR AT LEAST REQUESTED AND  
17 RECEIVED, A BLANKET INDEMNIFICATION FOR ANYTHING  
18 THAT THE LEA MAY DO, PERIOD. RIGHT, WRONG,  
19 INDIFFERENT, THE COUNTY WILL DEFEND THEM.

20 THIS STRESSES ME AS FAR AS A MATTER OF  
21 PUBLIC TRUST AND ACCOUNTABILITY. IF THERE IS NO  
22 PUBLIC TRUST AND THERE IS NO ACCOUNTABILITY AND THE  
23 LEA AND THE COUNTY ENVIRONMENTAL MANAGEMENT  
24 DEPARTMENT WHOM IS THE ENFORCEMENT AGENCY OF THIS  
25 PARTICULAR FACILITY AND NUMEROUS FACILITIES

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1 THROUGHOUT EL DORADO COUNTY, AND WHEN THEIR OWN  
2 HEALTH DEPARTMENT -- AGAIN, THEY'RE ALL PART AND  
3 PARCEL, AND THERE'S A DISTINCT CONFLICT OF  
4 INTEREST. THAT'S A LITTLE BACKGROUND AS TO WHAT'S  
5 HAPPENING THERE.

6 MY REQUEST IS THAT WHATEVER YOU DO ON  
7 NUMBER 12 IS THAT THERE SHOULD BE PUBLIC NOTICE OF  
8 ANY AND ALL DECISIONS PUT IN THE NEWSPAPER AND/OR  
9 SENT OUT TO PARTIES WHICH REQUEST OF THE LEAS TO BE  
10 NOTIFIED OF ANY DECISIONS SO THAT WE WOULD HAVE AN  
11 ADEQUATE AND PROPER TIME IN WHICH THAT WE CAN  
12 REVIEW THE DOCUMENTS, THE DOCUMENTS THAT THE LEA IS  
13 MAKING THEIR SUPPOSED FINDINGS AND DECISIONS ON,  
14 AND TO BE ABLE TO HAVE THE OPPORTUNITY TO RESPOND

15 EITHER TO THE LEA OR WHICHEVER ENTITY YOU SET UP.  
16 IT'S A LITTLE MUDDLED FOR ME TO UNDERSTAND IT, BUT  
17 I'M TAKING MY TIME AND I'M TRYING TO LEARN.  
18 AND THAT'S WHAT I REQUEST, TO JUST GIVE  
19 A BLANKET TO DELEGATE THE AUTHORITY OF THIS BOARD  
20 TO NUMEROUS LEAS AND COUNTIES, WHICH YOUR OWN  
21 STAFF REPORT STATES THE COUNTIES AND CITIES DON'T  
22 WANT TO ENFORCE THEM FOR WHATEVER REASON. I'M NOT  
23 PICKING OUT ANY PARTICULAR COUNTY, BUT I HAVE SEEN IT  
24 IN PLACER COUNTY, AND I HAVE SEEN IT IN EL DORADO  
25 COUNTY.

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1 AND THAT'S MY REQUEST. AND IF SOMEONE  
2 COULD ENLIGHTEN ME DURING THE MEETING, AFTER THE  
3 MEETING, BY MAIL, BY PHONE, BY FAX, BY E-MAIL AS TO  
4 WHAT YOU'RE CONSIDERING AND IF WE CAN GIVE ANY  
5 ADDITIONAL COMMENTS IF YOU REQUEST THEM OR NEED  
6 THEM OTHER THAN THIS IN WRITING SO THAT THE PUBLIC  
7 HAS THE OPPORTUNITY TO REVIEW THESE DECISIONS WHICH  
8 THE LEAS SEEM TO THINK ARE TRIVIAL.  
9 IN EL DORADO COUNTY IT HAS BEEN TO THE  
10 TUNE AT LEAST \$4 MILLION OR \$5 MILLION IN THE LAST  
11 THREE OR FOUR YEARS. THAT'S WHAT I KNOW ABOUT ON  
12 JUST ONE PORTION OF THE LANDFILL.

13           AND THEN THEY'VE JUST COME FORWARD  
14   AGAIN AND SAID WE'RE GOING TO SPEND ANOTHER  
15   APPROXIMATELY \$800,000 WITHOUT DOING ANY CEQA.  
16   THEY JUST APPROVED UPWARDS OF \$1 MILLION A MAJOR  
17   LANDFILL GAS INSTALLATION, AGAIN, WITH NO CEQA; AND  
18   THEN THEY PUT THE -- JUST A POSTSCRIPT ON THAT. WE  
19   HAVE FILED SUIT IN REGARDS TO THEIR LACK OF  
20   COMPLIANCE WITH CEQA AS A CITIZEN'S GROUP ON THAT  
21   PARTICULAR ONE.

22           BUT AFTER THE LANDFILL GAS INSTALLATION  
23   WAS ACCOMPLISHED IN DIRECT VIOLATION OF YOUR  
24   SECTION 500 OF THE INTEGRATED WASTE MANAGEMENT  
25   RULES LIT THE FLARE, AN UNCONTROLLED FLARE. WHEN I

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1   SAY "UNCONTROLLED," IT CAME OUT OF A PIPE INTO  
2   SOMETHING THAT RESEMBLED A 55-GALLON DRUM AND WAS  
3   BURNING FLAMES 30, 60 FEET INTO THE AIR. AND I  
4   THINK THIS IS A DIRECT VIOLATION OF YOUR OWN LAWS  
5   OF INTEGRATED WASTE MANAGEMENT, OF WHICH I FILED A  
6   COMPLAINT WITH THE RESOURCES AND WITH THE LEA WHO  
7   WAS RESPONSIBLE FOR APPROVING THIS UNDER WHAT I  
8   BELIEVE IS YOUR RIF OR RIP. AND WE STILL HAVEN'T  
9   RECEIVED A RESPONSE FROM THEM. AND THIS GOES OVER  
10   AND OVER AND OVER ON EVERY ASPECT. AND THE LEA  
11   SEEMS JUST TO RUBBER-STAMP STUFF. AND WE DON'T

12 EVEN KNOW THAT THEY'RE DOING IT.

13           THANK YOU FOR YOUR TIME. THANK YOU FOR  
14 YOUR INDULGENCE. I KNOW I WENT LONG, AND I DO  
15 APPRECIATE IT. BUT IF THERE'S SOMEONE THAT CAN  
16 ENLIGHTEN ME AND TO MAKE SURE THAT THE PUBLIC HAS  
17 THE OPPORTUNITY TO REVIEW THESE ITEMS THAT COME  
18 BEFORE THESE LEAS BECAUSE TO DELEGATE YOUR  
19 AUTHORITY IN SUCH A MANNER IN EL DORADO COUNTY AT  
20 LEAST HAS BEEN DESTRUCTIVE. BOTH TO THE PEOPLE AND  
21 TO THE ENVIRONMENT. THANK YOU.

22           CHAIRMAN PENNINGTON: ALL RIGHT.

23           MEMBER JONES: CAN I ASK A QUESTION?

24           CHAIRMAN PENNINGTON: CERTAINLY.

25 MR. JONES.

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1           MEMBER JONES: WHEN YOU SAY THAT THE  
2 DELEGATED AUTHORITY HAS BEEN DESTRUCTIVE IN EL  
3 DORADO COUNTY, THE AUTHORITY WASN'T DELEGATED.

4           MR. PROE: NO. THE PRESUMPTION IN ITEM  
5 12 IS TO DELEGATE THE AUTHORITY TO THE LEAS BY  
6 ALLOWING THEM TO COME IN WITH THE RIF OR RIP,  
7 WHATEVER THE ACHRONISM [SIC] IS, AND THAT IS  
8 SOMETHING THAT'S BEING CONTEMPLATED, I BELIEVE,  
9 UNDER ITEM 12.

10 MEMBER JONES: IT'S AN OPTION THAT'S  
11 GOING TO COME IN FRONT OF THIS BOARD TO DETERMINE  
12 WHETHER OR NOT WE WANT TO DO IT. BUT SOME OF THE  
13 ISSUES, PROBABLY THE MAJORITY OF THE ISSUES THAT AN  
14 LEA DEALS WITH, DEAL WITH THINGS LIKE WHERE YOU'RE  
15 GOING TO PUT WASTE, HOW MUCH OF A CERTAIN TYPE OF  
16 COMMODITY -- IF A NEW TYPE OF COMMODITY COMES IN  
17 AND IT WASN'T ORIGINALLY IN YOUR PERMIT, YOU MAKE A  
18 MODIFICATION TO AT LEAST ACKNOWLEDGE IN THAT  
19 DOCUMENT THAT THAT WASTE IS COMING IN NOW.

20 THERE'S A LOT OF ADMINISTERIAL THINGS,  
21 AND IT SOUNDS TO ME LIKE YOU WOULD PREFER THAT ALL  
22 OF THOSE THINGS BE BROUGHT IN FRONT OF THE PUBLIC  
23 NO MATTER HOW MINUTE, AND I WONDER HOW YOU DEAL  
24 WITH THE HEALTH AND SAFETY ISSUES OF NOT ADDRESSING  
25 THOSE IF WE WENT TO A PROCESS LIKE THAT.

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1 MR. PROE: WELL --

2 MEMBER JONES: IF THERE IS -- YOU KNOW  
3 WHAT I'M SAYING? IF THERE IS A NEED AND YOU DEAL  
4 WITH IT BUT YOU'VE NOTED IT AND THEN YOU GO THROUGH  
5 THE PERMIT PROCESS TO REVISE THE PERMIT, THAT'S  
6 USUALLY THE WAY YOU HANDLE A HEALTH AND SAFETY  
7 ISSUE.

8 MR. PROE: I UNDERSTAND, BUT ALL OF

9 THESE DECISIONS ARE BASED ON WHAT MY KNOWLEDGE IS.  
10 AND I DON'T DISAGREE WITH WHAT YOU'RE SAYING, BUT I  
11 DON'T SEE THAT THERE'S -- IN OTHER WORDS, IF AN  
12 INDIVIDUAL OR A GROUP REQUESTED OF THE LEA JUST TO  
13 BE NOTIFIED OF WHAT IT IS AND THEN YOU AT LEAST  
14 HAVE YOUR 30-DAY PERIOD THAT YOU HAVE NOW I BELIEVE  
15 AND THAT YOU'RE CONTEMPLATING GOING TO 60 DAYS,  
16 THEN IT WOULD GIVE US THE OPPORTUNITY TO AT LEAST  
17 CALL THE LEA UP, GO IN AND LOOK AT THEIR RECORDS  
18 EVEN IF IT IS IN AN OPEN PUBLIC HEARING OR  
19 ANYTHING, WE CAN GO IN AND WE CAN REVIEW A DECISION  
20 INSTEAD OF COMING IN AND SEE SOMETHING THAT'S GONE  
21 SOUR AT THE LANDFILL IN EL DORADO COUNTY AND THEN  
22 SAY "WELL, HOW DID THIS HAPPEN"? THEY SAY "LEA  
23 SIGNED IT OFF." AND YOU GO "WHAT DID THEY SIGN  
24 OFF? WHAT IT IS?"  
25 AND THE LEA AT LEAST FOR THE LANDFILL

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1 AS OF NOW HAS BEEN LESS THAN RESPONSIVE OR  
2 SPONTANEOUS. I FILE A COMPLAINT, I DOCUMENT MY  
3 COMPLAINTS WITH VIDEOTAPES, WHICH I DELIVERED TO  
4 REGIONAL WATER, AND MAKE AVAILABLE, AND I WATCH THE  
5 LANDFILL RELIGIOUSLY SHALL WE SAY. THAT INCLUDES  
6 SUNDAYS AND HOLIDAYS AND FOOTBALL DAYS. AND WHEN I

7 GET THE REPORTS A MONTH AND A HALF OR TWO MONTHS  
8 LATER, IT MAY BE FOUR DAYS BEFORE AN LEA RESPONDS  
9 DURING WHICH TIME THE COUNTY IS OUT THERE COVERING  
10 IT UP. AND THEN THE LEA COMES AND HE SAYS "HEY,  
11 EVERYTHING'S WONDERFUL. I DIDN'T SEE ANYTHING."  
12 AND IT'S VERY FRUSTRATING.

13 MEMBER JONES: THAT SOUNDS LIKE AN  
14 ANSWER. I CAN APPRECIATE THE FRUSTRATION, BUT  
15 THERE'S -- WE CAN'T STOP THE PROCESS.

16 MR. PROE: I DIDN'T SAY THAT.

17 MEMBER JONES: YOU KNOW WHAT I MEAN?  
18 AND I THINK THERE'S -- I THINK THERE'S A BLEND  
19 BETWEEN BOTH WHERE PUBLIC INPUT -- BELIEVE ME, I'M  
20 A FIRM BELIEVER IN PUBLIC INPUT AND CEQA. IT'S AN  
21 ISSUE WE'RE DEALING WITH RIGHT NOW ON SOME OTHER  
22 PLACES.

23 BUT, YOU KNOW, I'M ALSO AN ADVOCATE OF  
24 PROTECTING THE HEALTH AND SAFETY, AND SOMETIMES  
25 DECISIONS HAVE TO BE MADE RIGHT AWAY AND THAT'S WHY

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1 WE EVALUATE LEAS TO MAKE SURE THAT THEY OPERATE  
2 WITHIN THE PROPER STANDARDS. SO THERE IS A CHECK  
3 AND BALANCE FROM A STANDPOINT OF COMPETENCY THAT  
4 WE TRY TO ENSURE. BUT YOU CAN'T BE THERE, YOU KNOW,  
5 EVERY DAY. WE CAN'T BE THERE.

6 MR. PROE: SOME OF US ARE, SIR, AND  
7 THAT'S THE PROBLEM BECAUSE WHEN WE ARE THERE EVERY  
8 DAY AND WE SEE THIS AND WE REPORT IT TO YOUR STAFF,  
9 AND IT'S BEEN MY IMPRESSION THAT SOME OF YOUR STAFF  
10 HAS BEEN ON THE SIDE OF THE LANDFILL IN DEFENDING  
11 THEM AND THE LEAS. AND I THINK THAT YOUR STAFF AND  
12 THE LEA SHOULD ALL BE INDEPENDENT OF EACH OTHER.  
13 AND IT'S BEEN A VERY -- THE IMPRESSION THAT I'VE  
14 GOTTEN AND THE RESPONSE THAT I'VE GOTTEN HAS BEEN A  
15 VERY FRIENDLY, LOOK-OUT-FOR-YOUR-BUDDY SITUATION.  
16 AND I KNOW THOSE ARE HARSH STATEMENTS TO MAKE, AND  
17 I DON'T MAKE THEM LIGHTLY.

18 MEMBER JONES: I'LL TELL YOU, AS A  
19 FORMER OPERATOR OF QUITE A FEW SITES, IF AN LEA  
20 UNDERSTANDS HIS JOB AND AN OPERATOR UNDERSTANDS  
21 HIS JOB, THEN YOU WILL HAVE A RESPECTFUL  
22 RELATIONSHIP. BUT I THINK TO CHARACTERIZE THAT  
23 BECAUSE AN LEA AGREES WITH THE OPERATING PLAN OF AN  
24 OPERATOR THAT SOMEHOW THAT IS A LESS THAN  
25 HONORABLE RELATIONSHIP PROBABLY IS NOT, IN MY

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1 OPINION, FOUNDED IN SOUND REASONING BECAUSE THE  
2 WHOLE IDEA IS TO WORK TOGETHER.

3 WE HAVE EMPOWERED LEAS TO BE AN ARM OF



4 THIS BOARD TO MAKE SURE THAT THE HEALTH AND SAFETY  
5 STANDARDS ARE ADHERED TO. WE DO TRAINING, WE DO  
6 EVERYTHING WE CAN, AND WE DO PROMOTE THAT THEY  
7 WORK WITH THE OPERATORS TO ENSURE THAT THINGS ARE  
8 WORKING RIGHT.

9 THERE ARE SOME LEAS AND SOME OPERATORS  
10 THAT CAN'T BE WITHIN 500 FEET OF EACH OTHER BECAUSE  
11 THEY'RE YELLING AND SCREAMING. I DON'T KNOW WHICH  
12 YOU'D PREFER.

13 MR. PROE: WELL, I WOULD PREFER  
14 ENFORCEMENT OF THE LAW AND OF YOUR OWN LAWS OF THE  
15 INTEGRATED WASTE MANAGEMENT. AND WHEN I BRING  
16 THESE FORWARD AND THEY ARE EITHER SUMMARILY  
17 DISMISSED OR FIND EXCUSES FOR THE OPERATOR AND  
18 IGNORE FACTS THAT THEY SEE ON THE GROUND AND  
19 VIDEOTAPES THAT I PROVIDED THEM, THEN I THINK THAT  
20 THERE IS A PROBLEM. AND THAT'S THE REASON WHY I'M  
21 COMING TO THE BOARD.

22 I HAVE FILED COMPLAINTS, I HAVE FILED  
23 NOTICE OF PETITIONS, AND I HAVE BEEN ASSISTED BY  
24 YOUR STAFF THAT I REQUESTED, AND THEY POINTED ME TO  
25 THE LEGAL FINE POINTS TO GUIDE ME ALONG THE WAY OF

1 WHICH I'M TRULY GRATEFUL FOR FROM MANY OF YOUR  
2 STAFF. AND THEN TO FIND OUT THAT AFTER I GO

3 THROUGH ALL THE APPEALS PROCESS AND THEN TO FIND  
4 OUT AT THE LAST SECOND A PORTION THAT MAY HAVE BEEN  
5 OVERLOOKED THAT I CAN'T GET THE STUFF TO YOUR BOARD  
6 SO THAT I CAN BRING IT FORWARD TO YOU, AND THIS HAS  
7 BEEN GOING ON FOR FOUR YEARS NOW.

8 THAT'S WHY I'M TAKING THE TIME OUT TO  
9 COME DOWN HERE AND MAKE YOU AWARE THAT THERE IS  
10 SOMETHING BECAUSE IF I DON'T MAKE THE BOARD AWARE  
11 OF CONDITIONS THAT ARE HAPPENING IN EL DORADO  
12 COUNTY, I HAVE NO RECOURSE.

13 AT LEAST THIS WAY I CAN COME FORWARD  
14 AND MAKE THE BOARD FULLY AWARE. EVEN THOUGH I  
15 CAN'T BRING THE SPECIFIC INSTANCE TO YOU, I CAN  
16 MAKE YOU AWARE. AND THAT WAY I DO HAVE RECOURSE.  
17 AND THAT'S WHAT I'M ATTEMPTING TO DO. I APPRECIATE  
18 YOUR TIME. THANK YOU.

19 CHAIRMAN PENNINGTON: THANK YOU. OKAY.  
20 THAT CONCLUDES OUR WORKING GROUP TO LISTEN TO  
21 PUBLIC INPUT AND COMMENTS THIS MORNING.

22 AS I SAID, WE WILL MOVE THE AGENDA  
23 ITEMS FOR TODAY TO A WEEK FROM TODAY ON SEPTEMBER  
24 17TH. WE WILL I THINK BE ISSUING A LIST OF THOSE  
25 ITEMS ON THE INTERNET. AND IF YOU WANT, YOU CAN

1 CALL MY OFFICE, AND WE'LL MAKE SURE THAT YOU GET A  
2 COPY OF THAT LIST IF YOU CAN'T GET IT OFF THE  
3 INTERNET. WE'RE ADJOURNED. THANK YOU.

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1           CERTIFICATE OF REPORTER

2  
3           STATE OF CALIFORNIA )  
4                                ) SS.  
5           COUNTY OF BUTTE    )

6           I, SUZANNA MICKELSON, CERTIFIED SHORTHAND  
7   REPORTER, HEREBY CERTIFY LICENSED THAT I AM A COURT  
8   REPORTER OF THE STATE OF CALIFORNIA IN AND FOR THE  
9   COUNTY OF BUTTE, AND THAT I TOOK DOWN VERBATIM IN  
10   STENOGRAPHIC WRITING ALL THE PROCEEDINGS AS HEREIN  
11   SET FORTH BEFORE THE CALIFORNIA INTEGRATED WASTE  
12   MANAGEMENT BOARD FULLY, TRULY AND CORRECTLY,  
13   ACCORDING TO THE BEST OF MY ABILITY;

14           THAT MY SAID STENOGRAPHIC WRITING CONTAINS  
15   A FULL, TRUE AND CORRECT RECORD OF ALL SAID  
16   PROCEEDINGS; THAT I HAVE CAUSED MY STENOGRAPHIC  
17   WRITING TO BE TRANSCRIBED INTO TYPEWRITING, AND  
18   THAT PAGES THE FOREGOING PAGES CONSTITUTE MY SAID  
19   TRANSCRIPTION OF ALL SUCH STENOGRAPHIC WRITING, AND  
20   THAT THE SAME IS A FULL, TRUE, CORRECT, ACCURATE  
21   AND VERBATIM TRANSCRIPT.

22                        I HAVE HEREUNTO SET MY HAND.

23                        DATE: SEPTEMBER 21, 1998

24                    SUZANNA MICKELSON, CSR NO. 7892  
25                    STATE OF CALIFORNIA,  
                      COUNTY OF BUTTE

